

REMARKS

This is intended as a full and complete response to the Office Action dated April 21, 2004, having a shortened statutory period for response set to expire on July 21, 2004. Please reconsider the claims pending in the application for reasons discussed below.

In the specification, paragraphs 0007, 0008, 0009 and The Abstract of Disclosure have been amended to correct minor editorial problems.

Claims 1-49 are pending in the application. Claims 1-50 remain pending following entry of this response. Claims 1, 2, 27, 21, 24, 34 and 35 have been amended. New claim 50 has been added to recite aspects of the invention. Applicants submit that the amendments and new claims do not introduce new matter.

Claim 21 is objected to because of informalities. Appropriate amendments have been made. Accordingly, Applicants respectfully request that the objection be withdrawn.

Claims 2-3, 21-23, and 34-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Appropriate amendments have been made. Accordingly, Applicants respectfully request that the objection be withdrawn.

Claims 1-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ofer et al.* (U.S. 6,353,869; hereinafter *Ofer*). Applicants respectfully traverse the rejection.

Ofer discloses a system for sharing a resource between multiple requesters. The requesters reside on a given computer system and maybe one of a plurality of processors, controllers or processes of a single processor of the given computer system. (Column 3, lines 20 through column 5, line 1.) The present claims are specifically directed to resources being shared between multiple operating systems, i.e., a host operating system and a guest operating system. Nowhere does *Ofer* teach that the requesters are different operating systems, or even under the control of different operating systems. As such, it is presumed that the processors, controllers or processes are under the control of a single operating system of the computer system

10. In this regard, Applicants point out that the Examiner errs in suggesting that *Ofer* teaches a host operating system and a guest operating system at column 5, line 54-column 6, line 20. The cited passage uses the term "operating system" in two instances and in both cases in the singular, not plural. (Column 6, lines 9 and 15.) No teaching whatsoever is made of two or more operating systems in this passage. Accordingly, the claims are believed to allowable and allowance of the same is respectfully requested.

Relatedly, since *Ofer* teaches that the requesters are processors or controllers (or individual processes), locks on a shared resource are obtained by the respective processors or controllers, not by operating systems. In *Ofer's* system 10, this has the practical effect that one of the plurality of processors 1a-n can obtain a lock to a shared resource to the exclusion of the other processors 1a-n in the computer system 10 even where all processors 1a-n are under the control of the same operating system. This situation does not occur where the lock is obtained at the operating system level.

If the Examiner maintains that *Ofer* discloses multiple operating systems using shared resources, the Examiner's respectfully requested to point out exactly where multiple operating systems are mentioned in *Ofer*. The Examiner is then further respectfully requested to explain how a lock obtained by a processor or controller is the same as a lock obtained by operating system.

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicants' disclosure than the primary references cited in the office action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

PATENT

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Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,


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